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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE WESLEY HUBBARD, and
DARLENE CRYSTAL VIERA,

Defendants.

CASE NO. 1:22-CR-00306-JLT-SKO

STIPULATION AND PROTECTIVE ORDER

WHEREAS, the discovery in this case involves information, including documentation, photographs, audio recordings, and video recordings, related to a confidential informant whose safety may be compromised if their identity were disclosed prematurely (the “Protected Information”); and

WHEREAS, the parties desire to have the Protected Information produced to undersigned defense counsel;

The parties agree that entry of a stipulated protective order is appropriate.

THEREFORE, Dale Wesley Hubbard and Darlene Crystal Viera (“Defendants”), by and through their counsel of record, respectively, Kevin Rooney and Barbara Hope O’Neill (“Defense Counsel”), and the United States of America, by and through Assistant United States Attorney Jessica A. Massey, hereby agree and stipulate as follows:

1. This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, and its general supervisory authority.

2. This Order pertains to the Protected Information, the Bates numbers pertaining to which will be specified when produced to Defense Counsel (“the discovery”). This Order also relates to any verbal communications between the government and Defense Counsel about the confidential informant’s identity or location.

3. By signing this Stipulation and Protective Order, Defense Counsel agrees not to share any documents, recordings, or other information, verbal or written, that contain Protected Information with anyone other than defense investigators and support staff. Defense Counsel may permit Defendants to review *redacted* documents in the presence of their attorney, defense investigators, and support staff. The parties agree that Defense Counsel, defense investigators, and support staff (the “defense team” for each respective defendant) shall not allow Defendants or anyone else outside of the defense team to copy or retain Protected Information contained in the discovery.

4. The discovery and information therein may be used only in connection with the litigation of this case and for no other purpose. Defense Counsel will return the discovery to the government or certify that it has been destroyed at the conclusion of the case. The government agrees to provide a complete copy of the discovery to successor counsel.

5. Defense Counsel will store the discovery in a secure place and will use reasonable care to ensure that it is not disclosed to third persons in violation of this agreement.

6. Defense Counsel shall be responsible for advising Defendant, employees, other members of the defense team, and defense witnesses of the contents of this Stipulation and Order.

7. In the event that Defendant substitutes counsel, the government and substitute counsel will arrange for the disclosure of discovery to successor counsel. Undersigned counsel will return the discovery to the government and the government agrees to provide a complete copy of the discovery to successor counsel.

8. Defense Counsel reserves the right to later seek to have the terms of this Order modified or revoked. The government acknowledges that in the event this case approaches trial setting, defense counsel will likely seek to modify or revoke this order. Defense counsel acknowledges that the government may also seek to modify this order with respect to unredacted discovery which may be provided to defense counsel as trial approaches. Undersigned defense counsel agrees that counsel will

not provide protected information to the defendant in contravention of the terms of this order unless authorized by the court and after the government has a reasonable time to challenge the court's ruling or make logistical arrangements regarding the confidential informant.

IT IS SO STIPULATED.

DATED: December 2, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ Jessica A. Massey
JESSICA A. MASSEY
Assistant U.S. Attorney

DATED: December 2, 2022

By: /s/ Kevin Rooney
KEVIN ROONEY
Attorney for Defendant
DALE WESLEY HUBBARD

DATED: December 2, 2022

By: /s/ Barbara Hope O'Neill
BARBARA HOPE O'NEILL
Attorney for Defendant
DARLENE CRYSTAL VIERA

ORDER

The parties' protective order as set forth in the parties' stipulation is hereby ordered by the Court.

IT IS SO ORDERED.

Dated: **December 5, 2022**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE